##

## RIGHT TO REFUSE DANGEROUS WORK

[Organization Name] understands all workers have a right to a safe and healthy working environment. The purpose of this policy is to outline:

* The right to refuse dangerous work under the Section 28 of the Prince Edward Island Occupational Health and Safety Ac*t*
* The procedure that must be followed in the event of a work refusal

SCOPE

This policy applies to all workers at [Organization Name].

POLICY

[Organization Name] respects the legal right of employees to refuse work they believe is unhealthy or dangerous and will take the appropriate actions set out by the *Occupational Health and Safety Act.*

According to the Act, employees of [Organization Name] may refuse to do any act that they reasonably believe will cause a danger to their health and safety, or that of another person, should they perform the task.

When an employee exercises their right to refuse dangerous work, the work refusal process set out by the *Occupational Health and Safety Act* must be followed explicitly. To initiate the work refusal, a worker must only report the work refusal to their supervisor and explain why they believe the work is dangerous.

There will be no negative consequence for employees who exercise their right to refuse in good faith and who adhere to the processes set out by law and in this policy.

During the work refusal process, the worker must remain available at the workplace during the worker’s normal working hours and may be assigned to alternative duties not involving the perceived hazard.

[Organization Name] will continue to pay the worker who is refusing to work at the regular rate during the work refusal process until it is safe to resume work. If the worker continues to refuse work beyond the point the work has been deemed safe by an OHS worker, [Organization Name] is no longer required to provide pay and may begin disciplinary action.

WORK REFUSAL PROCESS

Under the law, the following procedure must be followed in the event of a work refusal.

Step 1

* The worker reports the refusal to their immediate supervisor or alternate.
	+ The supervisor and worker must work together to assess the risk and resolve the concern.
	+ If no resolution is found and the employee continues to feel unsafe, move on to Step 2.

Step 2

* If the worker continues to feel unsafe, the worker should continue to refuse.
* The employer reports the issue to the Safety Representative and they will investigate the work refusal
	+ You may accompany an Officer or the H&S Representative on a physical inspection of the workplace in relation to the work refusal.
	+ If the matter is successfully resolved, the employee will safely return to work. If not, Step 3 will be initiated.

Step 3

* The worker or employer (or someone representing either of them) should contact Occupational Health & Safety (OHS) and report a work refusal.
	+ During regular business hours (8:00am-4:30pm, Monday-Friday) the phone number is: (902) 368-5680 or email ohs@wcb.pe.ca.
	+ Outside of regular business hours call the OHS Emergency Line at (902) 628-7513.
* An OHS officer will investigate the issue in consultation with the worker, safety representative and supervisor or management representative.
* Any required/ordered changes to improve safety will be made by the employer.
* The refusing worker will go back to work.

During Step 1, if the supervisor has investigated and found a resolution they believe is safe, but the worker continues to refuse, the supervisor can ask another worker to perform the task while waiting for a resolution. However, the supervisor must let the second worker know:

If an alternate worker is brought in to do the work of the refusing worker, the alternate worker must be informed of the work refusal, the reasons for it, and why the employer feels the work can continue safely.

* the task they are being asked to do has been refused by another worker
* why the task was refused,
* why the employer feels the work can continue safely, and
* that they also have the right to refuse the work

Where possible, an arrangement should be made for the refusing worker and the alternate worker to communicate to ensure the situation is clearly understood by all parties.

[Organization Name] understands that the second worker may also refuse the work.